S.B. CIVIL MISC. APPEAL NO.33/2007.
(Smt. Kavita Vyas Vs. Hari Ram Choudhary & Ors.)

Date of Order :: 9th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.K. Sankhla, for the appellant.

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Having heard learned counsel for the claimant-appellant and having perused the impugned common award dated 29.07.2006 insofar it relates to claim case No.718/2004, this Court is satisfied that the instant appeal for enhancement of amount of compensation remains bereft of substance and does not merit admission.

For quantification of compensation for the appellant Smt. Kavita Vyas, about 30 years in age, said to have sustained head injury in a vehicular accident and carrying 30% disablement, the Tribunal has not accepted her case of earning Rs.4,000/- per month in tailoring and handicrafts; but has taken her average monthly income at Rs.2,400/- and with application of multiplier of 18, has assessed pecuniary loss at Rs.1,55,520/-. Such assessment definitely stands on higher side and cannot be said to be insufficient or inadequate. The Tribunal has further allowed Rs.14,500/- for 29 days of hospitalisation; Rs.5,000/- towards medical and related expenditure as against the medical bills of

Rs.4,304/-; and further Rs.5,000/- towards special diets. The Tribunal has awarded compensation in the sum of Rs.1,80,000/- to the claimant and has allowed interest at the rate of 7.5% per annum from the date of filing of claim application i.e. 10.10.2000.

In the ultimate analysis, the award amount cannot be said to be too low or inadequate than that of just compensation; and there appears no scope for upward revision in this appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/